

**HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY
WRIT APPEAL No. 184 OF 2007**

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Between:

Medical Council of India,
Through its Secretary,
New Delhi

... Appellant

And

Dr.K. Kamala & others

... Respondents

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:: J U D G M E N T ::
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Counsel for the appellant : Shri S. Niranjan Reddy

Counsel for respondent No.1 : Shri K.G.K. Prasad

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February 26, 2007

Per G.S. Singhvi, CJ

This appeal is directed against order dated 27.01.2006 passed by the learned Single Judge in Writ Petition No.7405 of 2005. That order reads as under:

“ The writ petition is filed to issue a writ of mandamus declaring the action of the second respondent in issuing the proceedings in Ref.No. 34(c)/2004/MED/19584, dated 1.11.2004 as arbitrary, illegal and without jurisdiction and consequently set aside the said proceedings.

Heard the learned counsel appearing for the petitioner as well as the learned standing counsel appearing for the respondents.

It is not in dispute that the matter is squarely covered by the judgment of the Division Bench of this Court in W.A.No.2107 of 2004 and batch dated 5.4.2005.

Following the said judgment, I set aside the impugned order. However, in view of the serious allegations made in the impugned order, it is made clear that it is open for the respondents to initiate appropriate enquiry as indicated in the above writ appeal into the conduct of the petitioner in accordance with law and take appropriate decision depending upon the enquiry report. The respondents are at liberty to initiate enquiry in accordance with law and take appropriate action as expeditiously as possible.

The writ petition is accordingly allowed as indicated above in terms of the judgment in W.A.No.2107 of 2004 and batch. No costs.”

Since the writ petition was allowed by the learned Single Judge by following the law laid down by the Division Bench in Writ Appeal No.2107 of 2004, we do not find any valid reason to interfere with the same.

With the above observation, the appeal is dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

February 26, 2007

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